

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

DENNIS MONTGOMERY, et al.,	)	3:06-CV-0056-PMP-VPC
	)	
Plaintiff(s),	)	<b><u>MINUTES OF PROCEEDINGS</u></b>
	)	
vs.	)	
	)	DATED: August 18, 2008
ETREPID TECHNOLOGIES,	)	
et al.,	)	
	)	
Defendant(s).	)	
	)	

PRESENT: THE HONORABLE VALERIE P. COOKE, MAGISTRATE JUDGE

Deputy Clerk: Lisa Mann Court Reporter: Kathryn M. French

Counsel for Plaintiff(s): Ellyn Garofalo and Randall Sunshine

Counsel for Defendant(s): Stephen Peek and Jerry Snyder

Counsel for Counter Defendant(s): Gregory Schwartz and Bridget Robb Peck

Counsel for Interested Party: Carlotta Wells

PROCEEDINGS: CONTINUED CASE MANAGEMENT CONFERENCE AND CONTINUED ORDER TO SHOW CAUSE HEARING

1:36 p.m. Court convenes.

The Court advises that it shall consider the remaining matters from this morning's case management conference. Those matters include the Montgomery parties' motion to compel (#684), OpSpring's motion to compel (#726), and the Montgomery parties' production of privilege logs in connection with the common interest agreement, as ordered at the discovery status conference held on July 15, 2008.

**10. The Montgomery parties' motion to compel compliance with the January 22, 2008 order and for an order to show cause why eTrepid Technologies, LLC and Warren Trepp should not be held in civil contempt (#684):**

Ms. Garofalo advises the Court that her firm is currently undertaking the review of a voluminous amount of documents which purport to be responsive to the books and records inspection request. Ms. Garofalo further advises that upon completion of the review, it may be unnecessary to move forward with the motion to compel (#684), and the Montgomery parties may withdraw the motion; therefore, Ms. Garofalo requests that the Court continue the motion to compel until this review is complete.

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With no objection from defendants, **IT IS ORDERED** that consideration of the Montgomery parties' motion to compel compliance with the January 22, 2008 order for an order to show cause why eTreppid Technologies, LLC and Warren Trepp should not be held in civil contempt (#684) shall be deferred until the September 16, 2008 case management conference.

**11. Motion by OpSpring LLC to compel production of tax returns of Warren Trepp (#726):**

The parties present their arguments regarding the facts and merits of the motion by OpSpring LLC to compel production of tax returns of Warren Trepp (#726).

Having heard from the parties and good cause appearing, the Court finds that OpSpring's motion to compel (#726) is GRANTED in part and DENIED in part. Mr. Trepp shall produce those portions of his tax returns concerning compensation he has received from eTreppid for the time period of 1998 through 2006 by no later than **Monday, September 8, 2008**.

To the extent counsel have issues concerning what constitutes compensation, counsel are directed to meet and confer to clarify the definition of "compensation" from eTreppid, and if counsel are unable to resolve disputes concerning this matter, they shall include this issue as an unresolved dispute in their case management report for the September 16, 2008 case management conference.

**12. The Montgomery parties' privilege log: common interest agreement:**

The Court and the parties discuss the production of the privilege logs by the Montgomery parties as ordered at the July 15, 2008 discovery status conference.

Having heard from the parties, the Court finds that not all counsel were provided with the privilege log as ordered by the Court at the July 15, 2008 discovery status conference (#760). Therefore, counsel are admonished that when providing papers among counsel, all attorneys shall be provided papers in this matter. The Court further admonishes counsel that this has happened before and if it continues to occur sanctions will be ordered.

**IT IS ORDERED** that the Montgomery parties shall have one last opportunity to review the documents identified in the privilege log and provide to the Court and all counsel a revised supplemental privilege log correcting the deficiencies as outlined here in court. The supplement privilege logs are due no later than **Tuesday**,

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**September 2, 2008.** If counsel have disputes concerning the privilege log, they shall include their disputes in their case management reports due by no later than **Thursday, September 11, 2008.** The next case management conference is set for **Tuesday, September 16, 2008 at 9:00 a.m.**

The Court advises the parties that it shall now proceed with the continued order to show cause hearing pursuant to this Court's order (#759).

The court clerk notes for the record the current status of exhibits in this proceeding as follows:

Defendants' exhibit 1, 6, 9, and 31 have been marked not admitted and the Court's exhibits 1, 2, 3, 4, 5, 6, 7, 9, 12, and 16 have been admitted.

With respect to the admittance of defendants' exhibits 1, 6, 9, and 31 the Court advises counsel that it will defer the issue of exhibits until the beginning of proceedings tomorrow.

Dennis Montgomery is sworn and testifies on cross examination by defendants.

3:32 p.m. Court recesses.

3:45 p.m. Court reconvenes.

Cross examination of the witness continues by defendants.

Defendants' exhibits 45 and 46 are marked.

The Court advises the parties that this proceeding is concluded and shall commence on Tuesday, August 19, 2008 at 9:00 a.m. The Court further directs counsel to review the exhibits in this matter to determine which exhibits counsel can stipulate to their admission and which exhibits counsel may have objections to discuss at the continuation of this proceeding.

5:01 p.m. Court adjourns.

LANCE S. WILSON, CLERK

By: \_\_\_\_\_ /s/  
Lisa Mann, Deputy Clerk